

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MAXIMILIAN KLEIN, et al.,
Plaintiffs,
v.
FACEBOOK, INC.,
Defendant.

Case No. [20-cv-08570-LHK](#) (VKD)

**ORDER RE AUGUST 20, 2021
DISCOVERY DISPUTE RE EXPERT
PROTOCOL**


Re: Dkt. No. 134

The parties ask the Court to resolve a dispute concerning the obligation to clawback privileged material disclosed in an expert's report. Dkt. No. 134. The Court held a hearing on these disputes on August 31, 2021. Dkt. Nos. 142, 146. For the reasons stated on the record during the hearing, the Court orders as follows:

The 14-day clawback period applies to any document that is expressly relied upon by an expert. Such documents typically will be cited or referenced specifically in the expert's report, declaration, or affidavit and/or used or discussed in such materials. The 14-day clawback period does not apply to documents that are merely listed as materials an expert received or considered.

IT IS SO ORDERED.

Dated: September 13, 2021


VIRGINIA K. DEMARCHI
United States Magistrate Judge